
Appeal Decision

Site visit made on 21 April 2015

by J M Trask BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2015

Appeal Ref: APP/D0840/W/14/3001947
Coppathorne, Poundstock, Bude EX23 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms A Rowland and Mr H Smith against the decision of Cornwall Council.
 - The application Ref PA14/04851, dated 22 May 2014, was refused by notice dated 24 October 2014.
 - The development proposed is a wind turbine with a 30.52 hub height and a 29.10m blade diameter (45.07m to tip).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether any harmful impacts of the proposed wind turbine, having particular regard to the effect upon the character and appearance of the area and the setting of the Area of Outstanding Natural Beauty (AONB), outweigh the benefits of the scheme, including the production of electricity from a renewable source.

Reasons

Policy

3. The development plan for the area includes the saved policies of the North Cornwall District Council Local Plan 1999. Saved Policies TRU4 and ENV1 are the most relevant to this appeal. Saved Policy TRU4 includes the advice that proposals for wind turbines close to the boundary of an AONB will be assessed having regard to Policy ENV1 and will not be permitted where the benefits of renewable energy do not justify harm to the special features or qualities which led to the national designation.
4. The main thrust of saved Policy ENV1 is to protect the countryside and landscape character with particular importance in Areas of Great Landscape Value (AGLVs). Where there would be an adverse effect on the character and amenity of AONBs or the Heritage Coast the policy advises development will not be permitted unless the development is required in the proven national interest and no alternative sites are available.

5. The emerging Cornwall Local Plan has not yet been subject to examination and attracts limited weight, although it does indicate the Council's direction of travel. Policy 15 advises regard will be given to the wider benefits of providing energy from renewable sources as well as the potential effects on the local environment. The Council has a new Supplementary Planning Document for renewable energy which is currently in draft form and so attracts little weight. Nevertheless, it contains useful information in relation to the sensitivity and strategy for landscape areas.
6. The National Planning Policy Framework (the Framework) is an important material consideration which carries considerable weight in this appeal. The Framework includes the core principle of protection of the countryside for its intrinsic value and aims to protect and enhance valued landscapes (para 109) while making a distinction between the hierarchy of designated sites so that protection is commensurate with status (para 113). Para 115 states that great weight should be given to conserving landscape and scenic beauty in areas such as AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
7. In meeting the challenge of climate change the Framework promotes and seeks to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts (para 97). The Framework also requires approval of renewable energy applications if the impacts can be made acceptable, unless material considerations indicate otherwise. Economic growth in rural areas is supported by the Framework as is the diversification of agricultural and other land based rural enterprises. The adopted local plan policies relevant to this appeal are broadly consistent with the Framework.
8. The Government's Planning Practice Guidance (the PPG) supports the policy in the Framework and draws attention to the balance between the need for renewable energy and environmental protections. Amongst other things local topography is cited as one important factor when assessing landscape effects.

Character and Appearance

9. The appeal site is in an agricultural field on the west side of the A39. It is in an elevated area with the land falling towards the northwest and to the east but with slightly higher land to the south and northeast. The boundary of the Week St Mary AGLV lies a few hundred metres to the south west and the AONB is beyond that, about 1.2km from the site at its closest point. There are extensive views from the site including views of the sea which is about 1.5km away. While the area around the site and between the site and the sea is open and rolling, it also forms a shallow basin that links the higher land to the north, east and south to the sea to the west.
10. The Cornwall and Isles of Scilly Landscape Character study indicates the site is in Landscape Character Area (LCA) 38: Bude Basin. This includes the Week St Mary AGLV whose special qualities include a "lumpy topography" with trees and woodland in the valley bottom. Qualities of the Pentire Point to Widemouth part of the Cornwall AONB include the unspoilt nature of the cliffs and the network of narrow lanes and hedges. The AONB Management Plan refers to the undulating coastal plateau and the landscape being dominated by the open expanse of green pastoral fields. The coastal strip is within the Bude Coast AGLV which has special qualities that include its open character. The Draft

Cornwall Renewable Energy Supplementary Planning Document (SPD) indicates that the undeveloped coastal edge would be sensitive to the development of any turbines. The landscape strategy for the area is for occasional wind turbines or small clusters of turbines located inland away from the coastal edge, no wind energy developments along the undeveloped coastal edge or its immediate hinterland and a landscape without wind energy development in the AONB.

11. The area is popular with tourists and there are many campsites. The numerous wind turbines in the wider area are apparent from high land around the area but the basin itself retains a rural and open character and appearance.
12. I have had regard to the earlier Appeal Decision¹ relating to this site. In this case the wind turbine would be smaller than that proposed in the previous case; the hub height would be about 25% less, the blade diameter about half the previous proposal and the elements of the wind turbine would be more slender.

Landscape Character

13. The proposed wind turbine would have a tip height of about 45m and the appellant has advised the proposed operational life would be 20 years. The wind turbine would be a tall man-made structure in an area with little screening such that it would be conspicuous in the rural environment. At times the blades would be moving which would draw attention and the substantial installation would be prominent and incongruous in the surroundings. The proposed turbine would disrupt the landscape of pastoral fields that lie between the A39, the AONB and the coast. It would be seen in views from and towards the AONB, the Week St Mary AGLV and the Bude Coast AGLV and so would be apparent within the setting of each of these.
14. My colleague in the previous Appeal Decision² relating to the site considered that that proposal was in accord with the unadopted guidance at that time³, which now forms Annex 1 of the draft SPD. However, despite the definition of a "buffer zone" extending one kilometre from the Heritage Coast or AONB⁴, it is my view that because of the topography, its proximity and visual links to the coast the site is within the immediate hinterland of the coast. Thus, it is my view that the proposal would not accord with the landscape strategy and would also be intrusive in the green rolling landscape and the settings of the AGLV and AONB. For all these reasons the proposed wind turbine would detract from the rural and open landscape character of the area.

Visual Amenity

15. The proposed wind turbine would be seen from the South West Coast Path and from other routes along the coastline and inland, including from the A39 which is a busy route, particularly in summer. For those using the coast path the wind turbine would be visible for a considerable length of time. It would be out of scale with the existing natural features of the area, discordant in the rural backdrop to the coast and would sometimes break the skyline. Visitors to the

¹ & ² APP/D0840/A/13/2205250

³ An Assessment of the Landscape Sensitivity to Onshore Wind and Large Scale Photovoltaic development in Cornwall

⁴ Policy ENV1 accompanying text para 5.32

beach and those using the rural lanes and coast road would also be aware of the turbine which would be an alien feature in the rural surroundings. As a result of its proximity and size it would be a dominant feature when seen from the A39 but the harm would be limited as travellers would be moving quickly through the area. Nevertheless, the proposed wind turbine would intrude into the open views of the coast from the lay-bys along the A39 and the picnic site to the north east of the appeal site.

Character and Appearance – Other factors

16. I acknowledge that there are turbines which are closer to the coast than the appeal proposal and that some turbines have been permitted in the past within the AONB and AGLVs. However there is insufficient evidence before me to determine what differences may exist between those schemes and the appeal scheme. These may include the prevailing policies, local and national guidance, site characteristics and other material considerations at the time of each decision. The appeal scheme has therefore been determined on its own merits and with due regard to current policy and the other material considerations.
17. As noted above I have had regard to the Appeal Decision relating to a previous application for a wind turbine on the site which is a material consideration⁵. In that decision my colleague found that the proposal would intrude into and disrupt views from parts of the AONB and erode the scenic qualities and natural beauty of the area. Also that this harm to the setting of a nationally important landscape weighed heavily against granting planning permission. That appeal was dismissed as the benefits were outweighed by the harm to the character and appearance of the area, including the adverse impact on the setting of the AONB and the less than substantial harm to the setting of two listed buildings. The proposed wind turbine in that case was larger than that now proposed and the consequent harm to the character and appearance of the area was greater. Nevertheless, I conclude that the harm to character and appearance and to the special qualities of the AONB arising from this smaller proposal is still substantial.
18. Siting wind turbines in rural areas results in an inevitable impact on landscape character and visual amenity and in accord with local and national policy this needs to be balanced against any benefits of renewable energy.

Benefits

19. The Framework provides that the benefits of proposals in terms of renewable energy may be taken into account. While few details of the output of the wind turbine have been given, the model proposed is a 225kW turbine. This would be a smaller turbine than that previously proposed and the benefits would be less. Nevertheless, the Framework recognises that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would also support the Government's obligations in terms of renewable energy requirements. The appellant has also referred to local community benefits and those associated with farm diversification.

Planning Balance

20. Having considered all matters, including the general policy support for wind energy development and the weight to be given to the benefits, I conclude that

⁵ APP/D0840/A/13/2205250

the harm to the character and appearance of the area outweighs the benefits of the proposal. For the same reasons the proposal is contrary to the provisions of saved Policies TRU4 and ENV1 of the North Cornwall District Local Plan, emerging policy and the Framework.

21. Paragraph 98 of the Framework states that Councils should approve renewable energy applications, provided that impacts are or can be made acceptable. In this case the impacts could not be made acceptable and therefore the proposal is contrary to paragraph 98. With regard to the provisions of paragraph 14 of the Framework, I conclude that the proposal would not represent sustainable development.

Other Matters

22. I have also had regard to the appellant's view that this site is one of the few remaining with suitable wind conditions and grid connections. However, I do not consider that it has been demonstrated that alternative sites are unavailable.
23. The previous appeal was dismissed in part because of (less than substantial) harm to the setting of 2 listed buildings. The reduction in scale has reduced that harm. I accord considerable weight and importance to any harm to the setting of listed buildings. However, in this case the extent of the residual less than substantial harm is not so great as to outweigh the benefits were the proposal otherwise acceptable, which however it is not.
24. Objections were raised by local people but opinion was divided and the representations were mainly for the proposal. I have taken these representations into account insofar as they are founded on valid planning reasons. I have also taken into account the other matters that have been raised, including noise and wildlife. Nevertheless, these other matters do not alter my conclusion on the main issue.
25. I have had regard to the changes to policy in the Written Ministerial Statement entitled "Local Planning" (18 June 2015) and the representations received in response. However, in the light of the facts in this case, these do not alter my conclusion and decision that the appeal should be dismissed.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

J M Trask

INSPECTOR